



Atty. Docket No. 31888/5US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Andrus, et al.
Filed: Concurrently Herewith on October 29, 2001
Title: DEBT FINANCING FOR COMPANIES

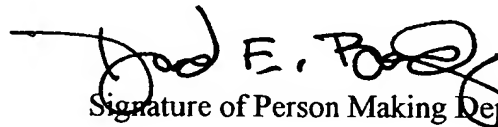
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: EI465234615US
Date of Deposit: October 29, 2001

I hereby certify that the following:

Return postcard
Check in the amount of \$ 919.00
This Certificate of Express Mailing
PrintEFS bibliographical data sheet (2 pages)
Utility Application and Appl'n Fee Transmittal (2 pages)
Patent specification consisting of: cover page, written description (29 pages), claims (9 pages), abstract (1 page)
Informal Drawings (6 sheets).

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.


Signature of Person Making Deposit

SHEARMAN & STERLING
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PATENT



Express Mail Label No. EI465234615US
Attorney Docket No. 31888/5US

UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing is the patent application of

Inventors: David Andrus and Stephen David Jones

Title: DEBT FINANCING FOR COMPANIES

Attorney Docket No. 31888/5US

1. ENCLOSED ARE THE FOLLOWING:

- ☒ Return receipt postcard;
- ☒ PrintEFS bibliographical data sheet (2 pages);
- ☒ Certificate of Express Mailing (1 page);
- ☒ This Letter (2 pages);

- ☒ Patent specification consisting of:
 - Written description (29 pages);
 - Claims (9 pages); and
 - Abstract (1 page); and
- ☒ Informal Drawings (6 sheets).

2. CONTINUING APPLICATION INFORMATION

- ☒ This application claims priority from U.S. Provisional Application Serial No. 60/243,981, filed October 27, 2000. The entire disclosure of the parent application(s) is/are incorporated herein by reference.
- ☒ No Petition For Extension of Time is necessary to render the parent application co-pending with this application.
- ☒ Amend the specification by inserting before the first line the sentence:
This application claims priority, as a non prov. of provisional of U.S. Provisional Application Serial No. 60/243,981, filed October 27, 2000. The entire disclosure of the parent application is incorporated herein by reference

3. INCORPORATION BY REFERENCE

- ☒ The following applications and/or documents are incorporated by reference:
U.S. Provisional Application Serial No. 60/243,981, filed October 27, 2000,

4. FILING FEE

- ☒ Applicant claims Small Entity Status under 37 C.F.R. § 1.27 and 1.28(a).

CALCULATION OF APPLICATION FILING FEE

| | Number Filed | | | | Number Extra | | Rate | Fee |
|--------------------|--------------|---|----|---|--------------|---|----------|-----------|
| Basic filing fee | | | | | | | | \$ 370.00 |
| Total Claims | 67 | - | 20 | = | 47 | x | \$ 9.00 | \$ 423.00 |
| Independent Claims | 6 | - | 3 | = | 3 | x | \$ 42.00 | \$ 126.00 |

| | | | | | | | |
|---------------------------|--|--|--|--|--|-------------------|-----------|
| Multiple Dependent Claims | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | | | | | \$ 140.00 NONE | \$ 0.00 |
| | | | | | | Total: | \$ 919.00 |

☒ A check in the amount of \$ 919.00 in payment of the application filing fee is attached.

☐ Charge Fee(s) to Deposit Account 50-0324, Order No. 31888/5US.

☒ The Commissioner is authorized to charge any additional required fees, or credit any overpayment, to Deposit Account 50-0324, Order No. 31888/5US.

5. ASSIGNMENT INFORMATION

☒ The application is assigned to Pearl Street Financial Group Ltd..

6. CORRESPONDENCE ADDRESS

☒ Customer Number 026155

attach bar code sticker here

☐ Firm name:

SHEARMAN & STERLING
Intellectual Property Docketing
599 Lexington Avenue
New York, New York 10022

(212) 848-4438 Telephone
(212) 848-7179 Facsimile
(212) 848-4000 general telephone

7. GOVERNMENT SPONSORED RESEARCH

The invention was made by an agency of the United States Government or under contract with an agency of the United States Government. ☒ no ☐ yes.

Respectfully submitted,
SHEARMAN & STERLING

Dated: October 29, 2001

By.


Anthony L. Meola

Registration No. 44,936

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | | | | | |
|---|-----------------------------------|---|--------------------------|-----------|---|---|----|---|---|---|---|
| 1 Date of Request: <u>3/29/02</u> | | 2 Serial/Pat nt # <u>10/046,418</u> | | | | | | | | | |
| 3 Please refund the following fee(s): | | 4 PAPER NUMBER | 5 DATE FILED | 6 AMOUNT | | | | | | | |
| | Filing | | | \$ | | | | | | | |
| | Amendment | | | \$ | | | | | | | |
| | Extension of Time | | | \$ | | | | | | | |
| | Notice of Appeal/Appeal | | | \$ | | | | | | | |
| <input checked="" type="checkbox"/> | Petition | 3 | 3/29/02 | \$ 130.00 | | | | | | | |
| <input checked="" type="checkbox"/> | Issue | | | \$ | | | | | | | |
| | Cert of Correction/Terminal Disc. | | | \$ | | | | | | | |
| | Maintenance | | | \$ | | | | | | | |
| | Assignment | | | \$ | | | | | | | |
| | Other | | | \$ | | | | | | | |
| | | | 7 TOTAL AMOUNT OF REFUND | | | | | | | | |
| | | | \$ 130.00 | | | | | | | | |
| 8 TO BE REFUNDED BY: | | | | | | | | | | | |
| 10 REASON: | | Treasury Check | | | | | | | | | |
| Overpayment | | Credit Deposit A/C #: | | | | | | | | | |
| Duplicate Payment | | 9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>5</td><td>0</td><td>--</td><td>0</td><td>3</td><td>2</td><td>4</td></tr></table> | | | 5 | 0 | -- | 0 | 3 | 2 | 4 |
| 5 | 0 | -- | 0 | 3 | 2 | 4 | | | | | |
| <input checked="" type="checkbox"/> No Fee Due (Explanation): | | | | | | | | | | | |
| <u>Drawing present on filing. office error</u> | | | | | | | | | | | |
| | | | | | | | | | | | |
| 11 REFUND REQUESTED BY: | | | | | | | | | | | |
| TYPED/PRINTED NAME: <u>E. Shirene Willes</u> | | TITLE: <u>Petitions Atty</u> | | | | | | | | | |
| SIGNATURE: <u>E. Shirene Willes</u> | | PHONE: <u>308-6712</u> | | | | | | | | | |
| OFFICE: <u>Office of Petitions</u> | | | | | | | | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** | | | | | | | | | | | |
| APPROVED: <u>Alicia Kelly</u> | | DATE: <u>July 5, 2002</u> | | | | | | | | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B



PATENTS
DOCKET NO. 31888/5 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David Andrus et al.
Serial No.: 10/046,418
Filed: October 29, 2001
Conf. No.: 2090
Title: DEBT FINANCING FOR COMPANIES

Art Unit: 2164
Examiner: Not Yet Known

Commissioner For Patents
Washington, D.C. 20231

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**PETITION UNDER 37 C.F.R. § 1.181
TO ACCEPT MISSING DRAWING
PREVIOUSLY FILED WITH ORIGINAL APPLICATION**

OFFICE OF PETITIONS

Applicants hereby petition under 37 C.F.R. § 1.181 and MPEP § 506.02 for entry in the above-identified application of the one sheet of informal drawings attached at Tab 1 in response to the Notice To File Missing Parts (copy attached at Tab 2) issued by the Patent Office on March 11, 2002. In the Notice To File Missing Parts, it was indicated that FIG. 4 of the informal drawings was omitted from the application as filed on October 29, 2001. Contrary to this statement, applicants respectfully submit that FIG. 4 was in fact included in the application as filed and request entry of the attached replacement copy of this drawing.

In support of this Petition, the following items are attached:

at Tab 3, copies of the six sheets of informal drawings filed with the application (these sheets are respectively marked on the back of the sheets as 1 of 6, 2 of 6, 3 of 6, 4 of 6, 5 of 6, and 6 of 6, and each indicate on the back the Express Mail Label Number used to mail the application);

at Tab 4, a copy of the return post card filed with the application (this post card shows the Express Mail Label Number used to mail the application, that six sheets of informal drawings were included, that the papers were accorded the Application Filing Date and Application Number indicated above, and that the post card has not been marked to

04/02/2002 BNGUYEN1 00000046 500324 10046418

01 FC:122 130.00 CR
Adjustment date: 07/03/2002 AKELLEY
04/02/2002 BNGUYEN1 00000046 500324 10046418
01 FC:122 130.00 CR

indicate that any of the identified items were missing; this post card is prima facie evidence of receipt of the identified items under MPEP § 503);


at Tab 5, a copy of the Express Mail Label used to mail the application (this Express Mail Label shows the same Express Mail Label Number on the drawings and post card and the "date in" accorded to the application);

at Tab 6, a copy of the Certificate of Express Mailing filed with the application (this Certificate shows that six sheets of drawings were filed using the identified Express Mail Label Number); and


at Tab 7, a copy of the Utility Application and Application Fee Transmittal filed with the application (this Transmittal shows that six sheets of drawings were filed using the identified Express Mail Label Number).

This paper is being filed within two months from the mailing date of the Notice To File Missing Parts as required by 37 C.F.R. §1.181.

The Director is hereby authorized to charge \$130, the fee that is due with this Petition under 37 C.F.R. § 1.17(h), and to charge any other fees that may be due in connection with this paper, or credit any overpayment or refund of the same, to Deposit Account No. 50-0324. A duplicate copy of this paper (without attachments) is enclosed.

| |
|--|
| <p align="center">Certificate of Mailing</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:</p> <p>Commissioner for Patents Washington, D.C. 20231</p> <p>on March 21, 2002.</p> <p>Typed or printed name of person signing this certificate:</p> <p>Matthew T. Byrne</p> <p>Signature: </p> |
|--|

Respectfully submitted,



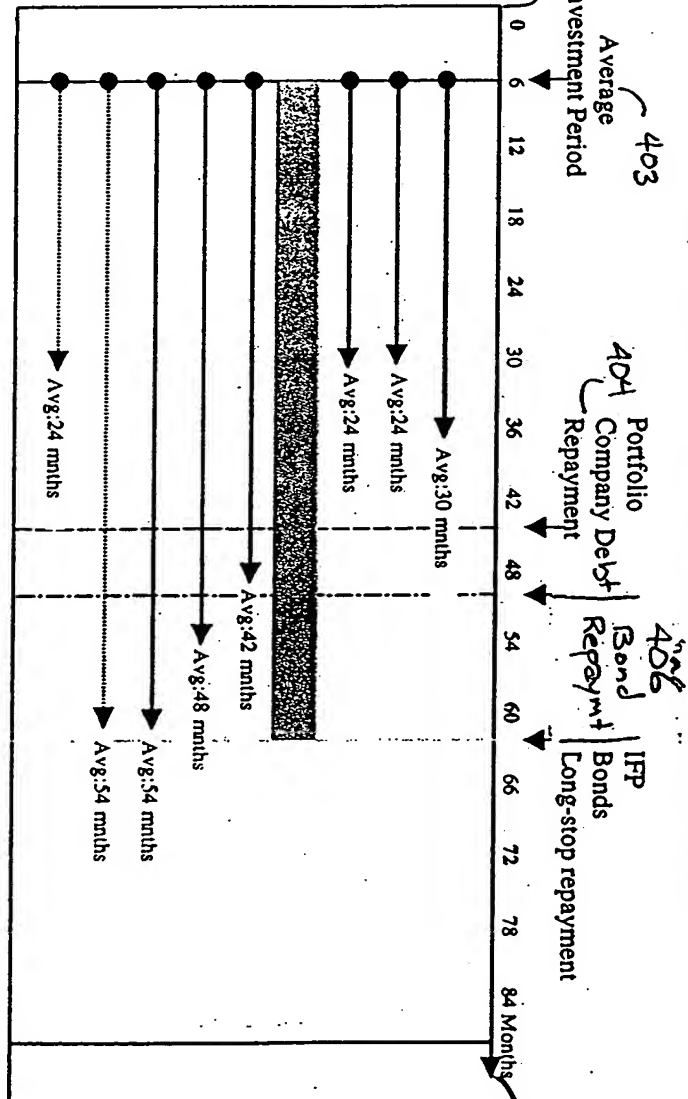
Matthew T. Byrne
Registration No. 40,934
SHEARMAN & STERLING
Customer No. 26155
599 Lexington Avenue
New York, New York 10022
(212) 848-4000 (voice)
(212) 848-7179 (fax)

Category of Portfolio Company portfolio % paid Default Period (mths)

Liquidity Period - From Availability of Funds to Repayment of Bonds

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| | | | |
|---------------------|------|------|-------|
| IPO ✓ 410 | 100% | 100% | 0 |
| SALE/MERGER ✓ 412 | 30% | 100% | 0 |
| REFINANCE ~ 414 | 10% | 100% | 0 |
| GOOD ~ 416 | 20% | 100% | 6 |
| SIDEWAYS GOOD ✓ 418 | 100% | 100% | 12 |
| SIDEWAYS BAD ~ 420 | 10% | 50% | 18 |
| OUT FOR GOOD | 5% | 25% | 18 |
| OUT FOR BAD | 10% | NIL | Never |



| Repayment % | 0% | 10% | 20% | 40% | 5% | 7.5% | Total |
|--|----|-------|------|-----|------|-------|--------|
| Default rate | 0% | 0% | 10% | 0% | 2.5% | 5% | 82.5% |
| Estimated cash (US\$M)* from debt repayments | 0 | 38.75 | 77.5 | 155 | 29 | 19.38 | 319.63 |

* Based on estimated pay back per Portfolio Company loan of [155]% (being 20% roll-up charge plus 13% p.a. discounted by 4% for average discount afforded on repayment of 6 months (paid within one year) and 3 months (paid within 2 years))

Fig. 4



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/046,418 | 10/29/2001 | David Andrus | 31888/SUS |

CONFIRMATION NO. 2090

26155
SHEARMAN & STERLING
INTELLECTUAL PROPERTY DOCKETING
599 LEXINGTON AVENUE
NEW YORK, NY 10022

FORMALITIES LETTER



OC000000007610468

Date Mailed: 03/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

RECEIVED

FILED UNDER 37 CFR 1.53(b)

APR 22 2002

Filing Date Granted

OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and

\$130.00 petition fee (37 CFR 1.17(h)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

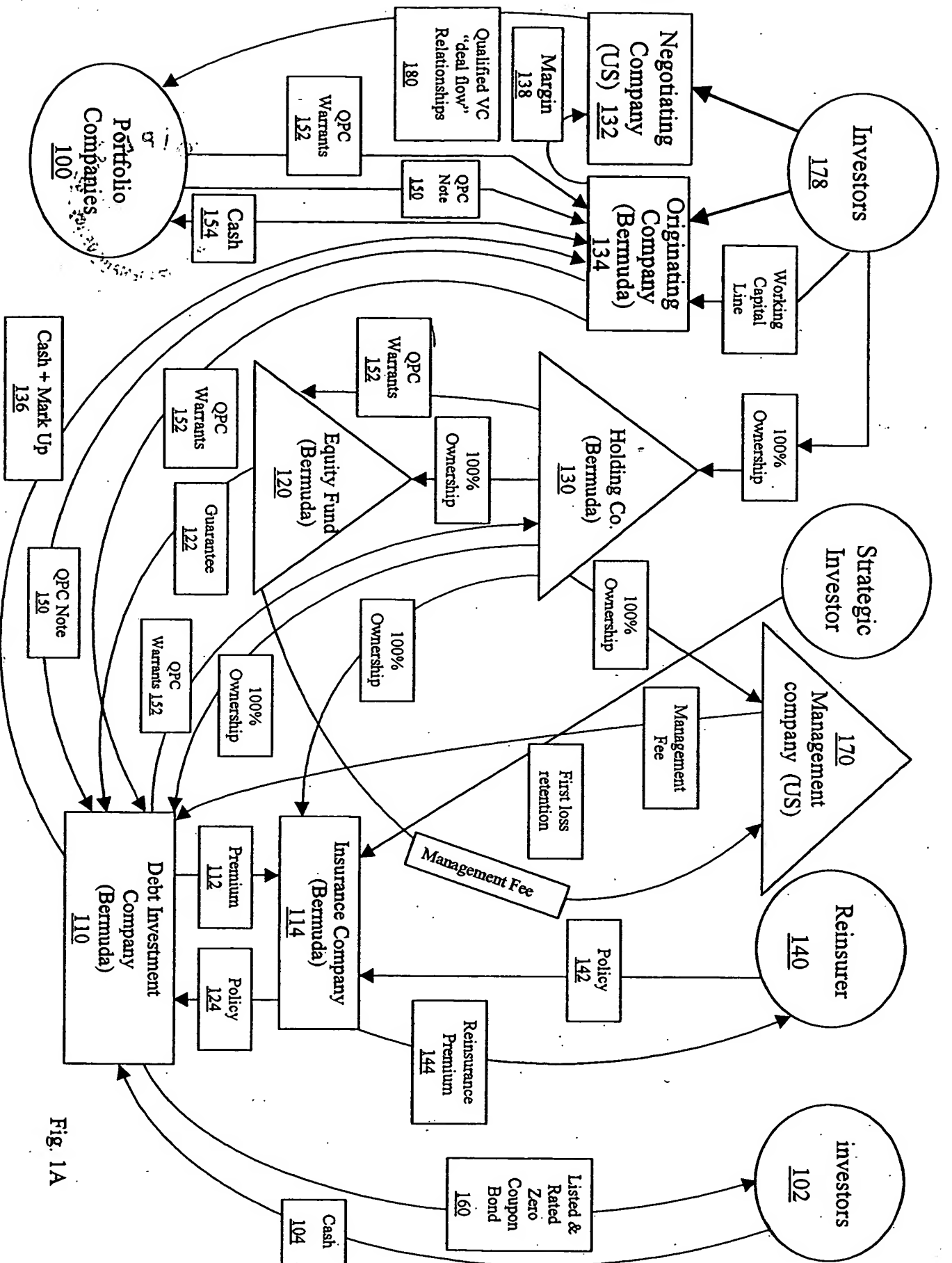


Fig. 1A

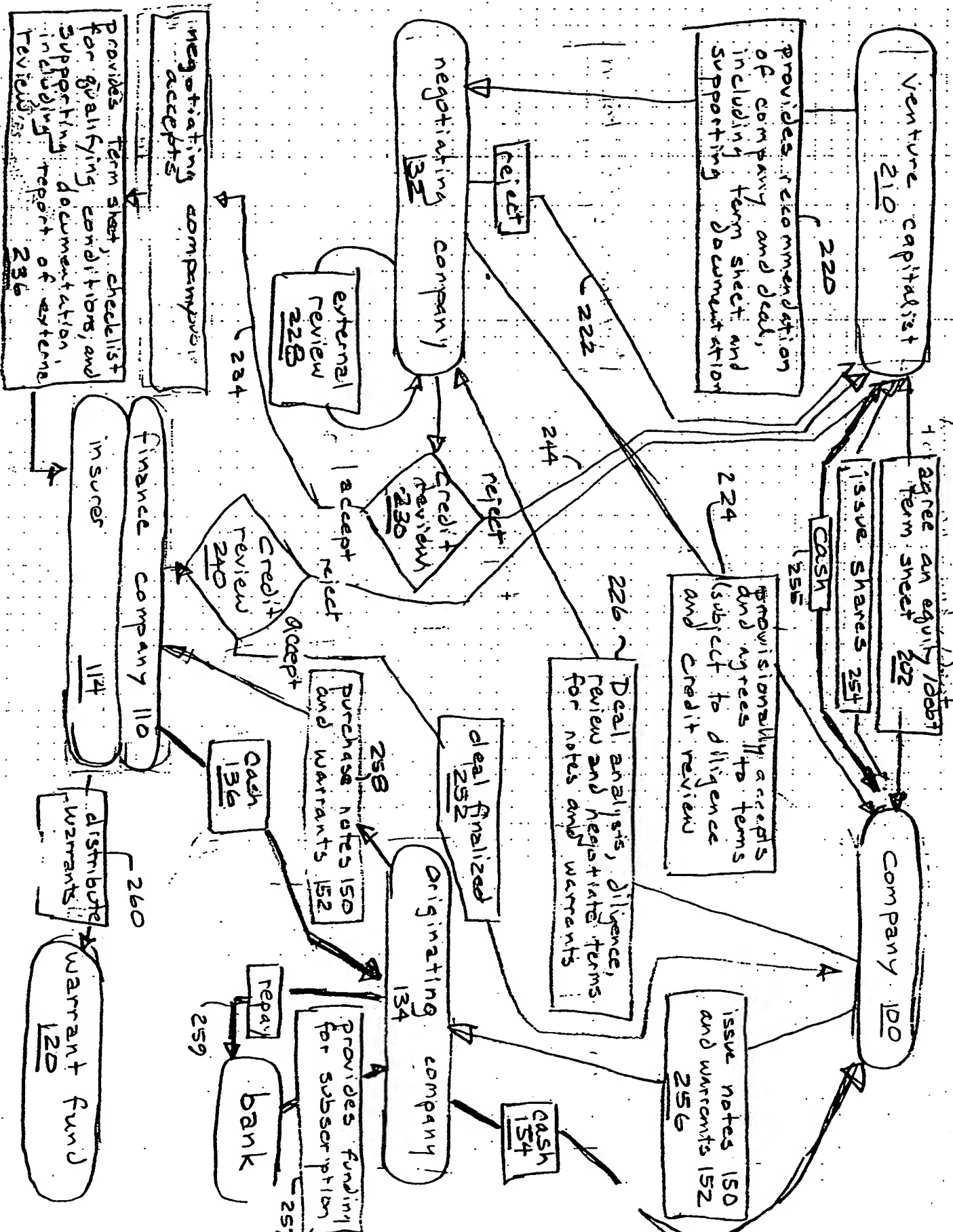


Fig. 2

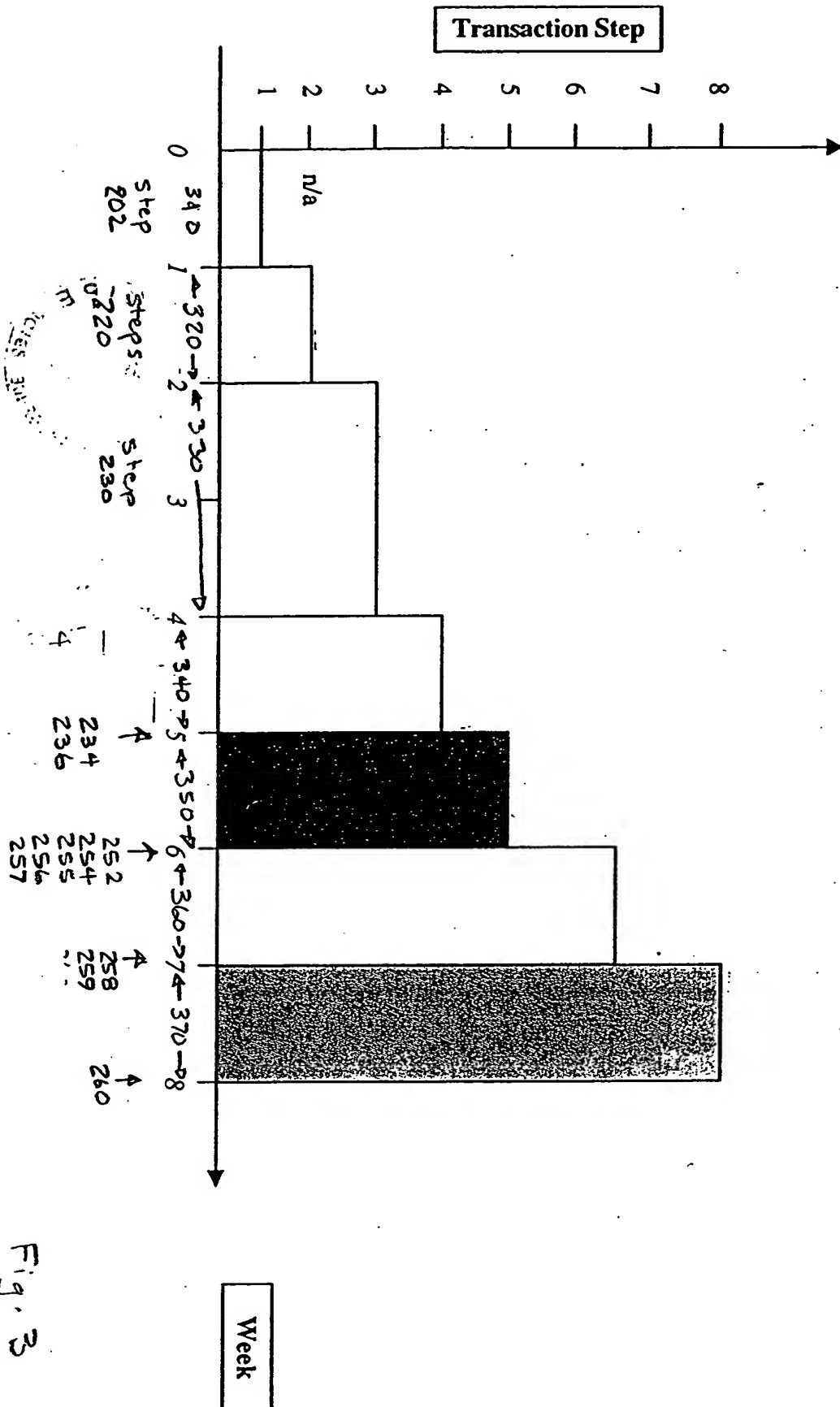
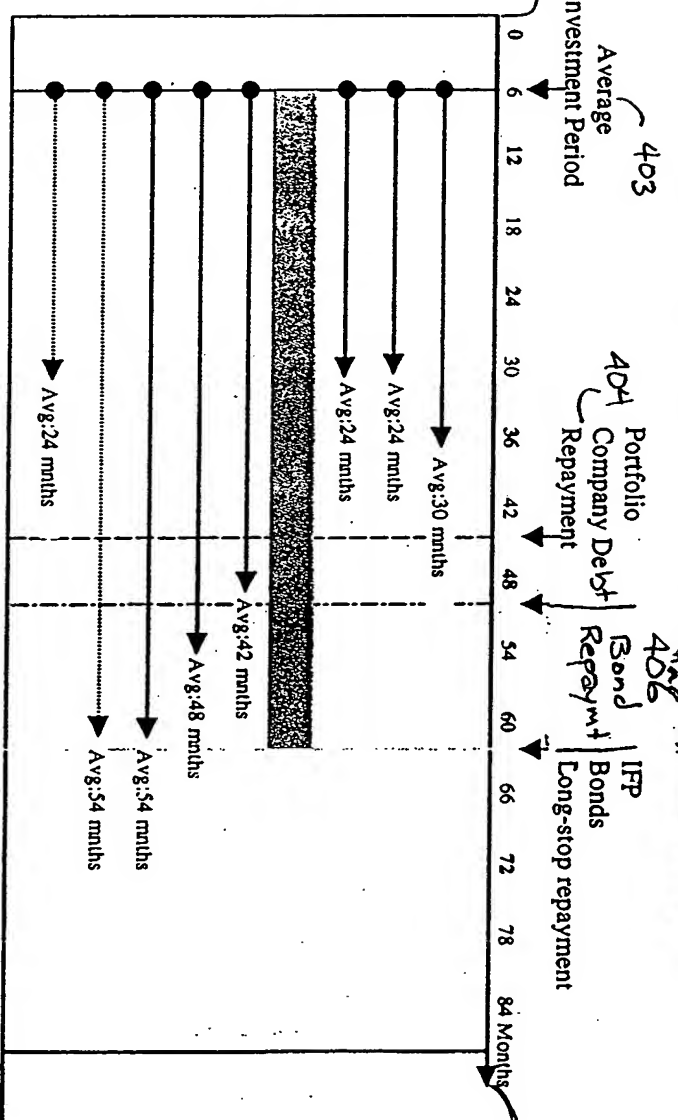


Fig. 3

Category of Portfolio Company % total portfolio % paid Default Period (mths)

| | | | |
|---------------------|-----|------|-------|
| IPO ✓ 410 | 10% | 100% | 0 |
| SALE/MERGER ✓ 412 | 30% | 100% | 0 |
| REFINANCE ~ 414 | 10% | 100% | 0 |
| | | | |
| GOOD ~ 416 | 20% | 100% | 6 |
| SIDEWAYS GOOD ✓ 418 | 5% | 100% | 12 |
| SIDEWAYS BAD ~ 420 | 10% | 50% | 18 |
| OUT FOR GOOD | 5% | 25% | 18 |
| OUT FOR BAD | 10% | NIL | Never |

Liquidity Period - From Availability of Funds to Repayment of Bonds



| 0 | 6 | 12 | 18 | 24 | 30 | 36 | 42 | 48 | 54 | 60 | 66 | 72 | 78 | 84 Months |
|----|-------|------|-----|------|-------|--------|----|----|----|----|----|----|----|-----------|
| 0% | 10% | 20% | 40% | 5% | 7.5% | 82.5% | | | | | | | | |
| 0% | 0% | 10% | 0% | 2.5% | 5% | 17.5% | | | | | | | | |
| 0 | 38.75 | 77.5 | 155 | 29 | 19.38 | 319.63 | | | | | | | | |

Based on estimated pay back per Portfolio Company loan of [155] (being 20% roll-up charge plus 13% p.a. discounted by 4% for average discount afforded on repayment of 6 months (paid within one year) and 3 months (paid within 2 years))

016 30 25

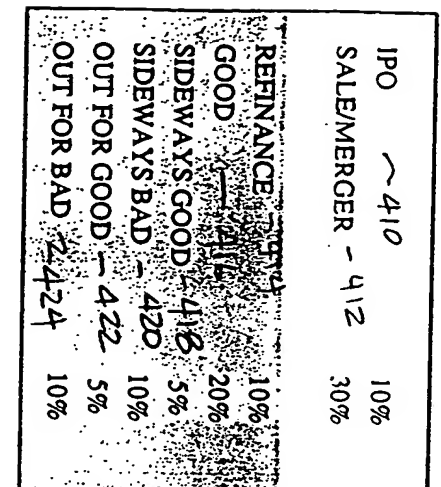
Fig. 4

Table 7-B

International Financial Partners Ltd

Warrant Fund Liquidity Events

Liquidity Period – From Availability of Funds to Repayment of Bonds



Assumptions

Based on investment portfolio of US\$250 million

| Category | % total portfolio | Average multiple times value | % in category | Total value (US\$million) at inception | Total (US\$million) at liquidity event |
|-------------------|-------------------|------------------------------|---------------|--|--|
| σ IPO | 10% | 6.3 | 100% | 25 | 157.5 |
| SAL/MERGER | | | | | |
| | | 4.41 | 70% | 52.5 | 231.5 |
| | | 1.89 | 30% | 22.5 | 42.5 |
| Sub-total | 30% | 3.15 | 100% | 75 | 274 |
| Totals | 40% | 4.2 | n/a | 100 | 705.5 |

Sources:

Thompson Venture Economics
Page ***

TI
L
U



Date: October 29, 2001

Atty. Docket No. 31888/SUS

In re Application of David Andrus, et al.

For: DEBT FINANCING FOR COMPANIES

Filed: concurrently herewith on October 29, 2001

Enclosed

1. This postcard
2. Check in the amount of \$ 919.00
3. Certificate of Express Mailing No EI465234615US
4. PrintEFS bibliographical data sheet (2 pages)
5. Utility Application and Appl'n Fee Transmittal (2 pages)
6. Patent specification consisting of: cover page, written description (29 pages), claims (9 pages), abstract (1 page)
7. Informal Drawings (6 sheets).

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WEIGHT: 1.00 LB
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TOTAL POSTAGE & FEES: \$1.00

NO DELIVERY: ☐ **9 WEEK DELIVERY:** ☐ **12 WEEK DELIVERY:** ☐ **15 WEEK DELIVERY:** ☐ **18 WEEK DELIVERY:** ☐ **21 WEEK DELIVERY:** ☐ **24 WEEK DELIVERY:** ☐ **27 WEEK DELIVERY:** ☐ **30 WEEK DELIVERY:** ☐ **33 WEEK DELIVERY:** ☐ **36 WEEK DELIVERY:** ☐ **39 WEEK DELIVERY:** ☐ **42 WEEK DELIVERY:** ☐ **45 WEEK DELIVERY:** ☐ **48 WEEK DELIVERY:** ☐ **51 WEEK DELIVERY:** ☐ **54 WEEK DELIVERY:** ☐ **57 WEEK DELIVERY:** ☐ **60 WEEK DELIVERY:** ☐ **63 WEEK DELIVERY:** ☐ **66 WEEK DELIVERY:** ☐ **69 WEEK DELIVERY:** ☐ **72 WEEK DELIVERY:** ☐ **75 WEEK DELIVERY:** ☐ **78 WEEK DELIVERY:** ☐ **81 WEEK DELIVERY:** ☐ **84 WEEK DELIVERY:** ☐ **87 WEEK DELIVERY:** ☐ **90 WEEK DELIVERY:** ☐ **93 WEEK DELIVERY:** ☐ **96 WEEK DELIVERY:** ☐ **99 WEEK DELIVERY:** ☐ **100 WEEK DELIVERY:** ☐

WARRANTY OF SIGNATURE (Domestic Only): With delivery to the addressee, the carrier warrants that the signature of the addressee is on the document. If the signature is not on the document, the carrier will not deliver the document and will return it to the sender. If the signature is on the document, the carrier will deliver the document to the addressee.

WARRANTY OF DELIVERY (Domestic Only): With delivery to the addressee, the carrier warrants that the document will be delivered to the addressee. If the document is not delivered to the addressee, the carrier will not deliver the document and will return it to the sender. If the document is delivered to the addressee, the carrier will deliver the document to the addressee.

WARRANTY OF DELIVERY (International): With delivery to the addressee, the carrier warrants that the document will be delivered to the addressee. If the document is not delivered to the addressee, the carrier will not deliver the document and will return it to the sender. If the document is delivered to the addressee, the carrier will deliver the document to the addressee.

WARRANTY OF DELIVERY (Overseas): With delivery to the addressee, the carrier warrants that the document will be delivered to the addressee. If the document is not delivered to the addressee, the carrier will not deliver the document and will return it to the sender. If the document is delivered to the addressee, the carrier will deliver the document to the addressee.

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